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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/105,840 06/26/98 BILL

D TDS-001

EXAMINER

WM01/1018

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ART UNIT

PAPER NUMBER

2664

DATE MAILED:

10/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*JP*

# Office Action Summary

Application No.  
09/105,840

Applicant(s)

Bill

Examiner

Man Phan

Art Unit

2664



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jun 26, 1998

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-33 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-3, 6-9, 12-15, 18-26, 28, and 30-33 is/are rejected.

7) ☒ Claim(s) 4, 5, 10, 11, 16, 17, 27, and 29 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The application of Bill for a "Distributed personalized content" filed 06/26/1998 has been examined. Claims 1-33 are pending.

#### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "120" has been used to designate both the processor (P) and the memory (M) in Fig. 1. Correction is required.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference character (213) as shown in Fig. 2. Correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6-9, 12-15 and 24-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleidt et al. (US#5,920,702) in view of Reed et al. (US#6,041,239).

With respect to claims 1-3, 6-9, 12-15 and 24-26, 28 these references teaches the capability of effectively and efficiently distributing of message communication system for facilitating communications between a network distribution device and a large numbers of recipients. Bleidt (US#5,920,702) discloses a distribution system for enabling multiple system users to independently access previously stored streams of electronic data. Bleidt teaches in Fig. 2 a high level block diagram of the multiple user data distribution system 106 shown in Fig. 1. The system contains a mass storage device 202, a host computer 204, a command interface 206, a digital information server 208, and a data multiplexing circuit 210. In general, a plurality of users (not shown) are sent, via lines 212, multiplexed serial information. Each line represents a multiplexed channel that is connected to the plurality of users via the user networks. In operation, when a user requests information, e.g., a selected multimedia stream, the host computer retrieves the information from mass storage device 202 (for example, a video tape library) and distributes the retrieved information to the digital information server 208. The server contains local memory (a

disk drive array) that stores the information. If the information that is requested by the user is presently stored in the server, then the mass storage 202 need not be accessed. More specifically, the digital information server 208 is, in a general sense, a parallel processing computer having a multiple data stream (SIMD) architecture. Specifically, the server 208 contains a plurality of controllers 216.sub.n, and, associated with each controller, a plurality of processor subsystems 218.sub.n, 220.sub.n and 222.sub.n. Each processor subsystem is connected to an associated mass storage device, such as Winchester-type disk drive 224.sub.n, 226.sub.n, and 228.sub.n. Those skilled in the art should note that other forms of mass storage, e.g., optical disk drives, random access memory, could be used instead of the magnetic disk drives. As such, the magnetic disk drives shown and described as part of the preferred embodiment of the invention should be considered illustrative of the type of mass storage that could be used (Col. 5, lines 48 plus). Furthermore, as this data is being recalled from the disk drive and stored in local memory, the processor conducts error detection. As the data is retrieved from the disk drive, both the processor and disk controller compute checkwords on the retrieved data using a convolutional polynomial. At the conclusion of a retrieval, the disk controller sends its checkwords to the processor for comparison with the processor's internally computed values. This comparison allows errors in transmission of the data to the processor to be detected (Col. 13, lines 17 plus).

However, Bleidt does not expressly disclose the step of determining a score for one of the content elements in the pool, the score being responsive to a predicted interest by an individual recipient of one content element to a recipient. In the same field of

endeavor, Reed (US#6,041,239) teaches a method and system for calculating and distributing an offered load over a wireless communications system service area for the purpose of facilitating base station layout in the service area. Reed teaches in Fig. 1 a model of a wireless communication system service area having database regions and transportation arteries in accordance with the method and system of the present invention, in which for a wireless communications system service area (20), a population database (24) is selected that describes a population in database regions (22) within the wireless communication service area (20). A transportation database (46) that describes transportation arteries in the wireless communications system service area (20) is also selected. The process then calculates an initial offered load (70) for each database region (210), wherein the initial offered load is based upon market factors. Thereafter, a portion of each initial offered load (70) is allocated (212) to a transportation distribution pool (76). Other portions of each initial offered load (70) may be allocated (212) to regional distribution pools (74). The offered load in the transportation distribution pool (76) is then distributed (220) over the transportation arteries (36, 38, 40). Finally, a database region offered load is calculated (226) for each database region (22) by accounting for allocation of offered loads to the transportation distribution pool (76) and distribution of offered load in the transportation distribution pool (76) over the transportation arteries (36, 38, 40) in each database region (22) (See Fig. 1 and the Abstract).

One skilled in the art would have recognized the need for efficiently providing a distribution system for facilitating communications between a network distribution device and a large numbers of recipients, and would have applied Reed's novel use of distributing

offered load using the upon static data that represents users in their home into Bleidt's teaching of a data storage, retrieval and distributing system for enabling multiple system users to independently access previously stored stream of electronic data. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Reed's method and apparatus for distributing offered load in a wireless communications system into Bleidt's method of stripping a data stream onto subsets of storage device in a multiple user data distribution system with the motivation being to provide a method and system for distributing personalized content to potentially large number of recipients.

7. Claims 18-23 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleidt et al. (US#5,920,702) in view of Reed et al. (US#6,041,239) as applied to the claims above, and further in view of Aranjo et al. (US#6,097,720).

With respect to claims 18-23 and 30-33, Aranjo in the same field of endeavor discloses in a network having one or more intermediate devices coupled to end stations by respective links, and including a multicast source end station such as a remote access server for an Internet service provider, and a plurality of multicast receiving end stations, such as customer premises equipment CPE, coupled to an intermediate device in the network, a method for distributing multicast distribution functions to the intermediate device is described. The method comprises establishing point-to-point sessions between the source end station and the plurality of receiving end stations according to a communication protocol such as the PPP. Also, a point-to-point session is established

between the multicast source end station and the intermediate device by which the source end station feeds multicast messages to the intermediate device that are directed to a set of multicast groups. The method involves transmitting from end stations in the plurality of receiving end stations to the intermediate device respective multicast join messages. The multicast join messages include information identifying one or more multicast groups for the respective receiving end stations to join. In this way, the intermediate device is enabled to forward multicast messages directed to a particular multicast group in the set of multicast groups to the receiving end stations which have joined the particular multicast group (Fig. 1 and the Abstract).

One skilled in the art would have recognized the need for efficiently providing a distribution system for facilitating communications between a network distribution device and a large numbers of recipients, and would have applied Arango's enabling multicast distribution and Reed's novel use of distributing offered load using the upon static data that represents users in their home into Bleidt's teaching of a data storage, retrieval and distributing system for enabling multiple system users to independently access previously stored stream of electronic data. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Arango's enabling multicast distribution efficiencies in a dialup access environment, Reed's method and apparatus for distributing offered load in a wireless communications system into Bleidt's method of stripping a data stream onto subsets of storage device in a multiple user data distribution system with the motivation being to provide a method and system for distributing personalized content to potentially large number of recipients.



*Allowable Subject Matter*

8. Claims 4-5, 10-11, 16-17 and 27, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose or suggest wherein the step of adjusting the selected threshold in response to the steps for comparing; noting a plurality of content elements in the pool, each having an associated score in response to the steps for adjusting, and selecting one of the plurality in response to the scores, as specifically recited in the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Gordon et al. (US#6,253,375) is cited to show the system for interactively distributing information services. An interactive information distribution system includes service provider equipment for generating an information stream that is coupled to an information channel and transmitted to subscriber equipment. The service provider also generates a command signal that is coupled to a command channel and transmitted to the subscriber equipment. The service provider also receives information manipulation requests from the subscriber via a back channel. A communication network supporting the information channel, command channel and back channel is coupled between the service provider equipment and the subscriber equipment.

The Wakai et al. (US#5,973,722) is cited to show a combined digital audio/video on demand and broadcast distribution system. An in-flight passenger entertainment system has a first digital network for communication among components of a headend system including a data server, media controller, one or more media servers, system interface unit, system manager unit and attendant control panel. The in-flight entertainment system is coupled to an aircraft's existing systems through the system interface unit and the system manager unit. The components of the headend system are all coupled to a network switch for routing data within the first network. The network switch is also coupled to one or more zone bridge units, each of which is coupled to multiple seat electronics units. The zone bridge units and the seat electronics units together form a second digital network. The first digital network is preferably an ATM network with fibre optic cables used to carry the data. The second digital network is preferably an IEEE 1394

serial bus network. The zone bridge units control all communications between the networks, converting all communications into the format required by the respective network. A first audio path for transmitting audio content from the headend system is routed to predetermined seat entertainment units through the network switch and the zone bridge units. A second audio path for transmitting audio from the system interface unit is routed to the seat entertainment units through the zone bridge units.

The Monteiro et al. (US#6,119,163) is cited to show a multicasting method and apparatus. A scalable architecture is disclosed for delivery of real-time information over a communications network. Embedded into the architecture is a control mechanism that provides for the management and administration of users who are to receive the real-time information. In the preferred embodiment, the information being delivered is high-quality audio. However, it could also be video, graphics, text or any other type of information that can be transmitted over a digital network. Preferably, there are multiple channels of information available simultaneously to be delivered to users, each channel consisting of an independent stream of information. A user chooses to tune in or tune out a particular channel, but does not choose the time at which the channel distributes its information. Advantageously, interactive (two-way) information can be incorporated into the system, multiple streams of information can be integrated for delivery to a user, and certain portions of the information being delivered can be tailored to the individual user.

The Uchihori et al. (US#5,996,014) is cited to show the distribution multimedia

server system using shared disk arrays connected in a chain and having two ports each that are stripped with digitized video data. The shared disk array which incorporates a plurality of disk apparatus storing the contents including the digitized video data and a plurality of element servers are connected to the shared channel network suitable for the multi-initiator architecture, whereby each of the element servers can physically share the shared disk array via the shared channel network. Further, each of the element servers is provided with the network interface suitable for the high-speed transmission and the band-width reservation, so that the contents stored in the shared disk array are read out in response to the request from the client, thus being output of the communication network via the network interface.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Mphan

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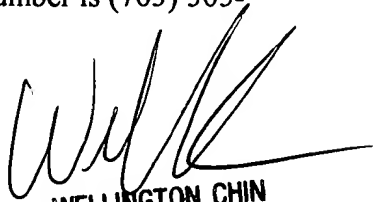
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10/10/01.



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